

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

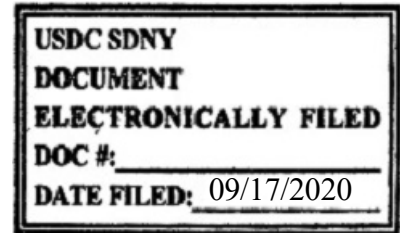
DWAYNE GILMORE, et al.,

Plaintiffs,

-against-

THE CITY OF NEW YORK

Defendant.



19-CV-6091 (GBD) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons stated on the record during the September 17, 2020 discovery conference it is hereby ORDERED that:

1. No later than **October 1, 2020**, opt-in plaintiff German Sosa shall SHOW CAUSE in writing why his claims should not be dismissed pursuant to Fed. R. Civ. P. 3737(b)(2)(A)(v) and 41(b) for failure to produce his personal logbook, in which he kept track of his time working, as required by this Court's Order dated August 3, 2020 (Dkt. No. 58). The written submission shall include an affidavit or declaration, signed by Sosa, that specifically addresses why he failed to produce the logbook (a) prior to his June 1, 2020, deposition, (b) after the deposition, or (c) following the Court's August 3 Order, as well as (d) the efforts he took to preserve and produce the logbook and other discoverable documents in this case.
2. Defendant may respond in writing to Sosa's written submission no later than **October 9, 2020**.
3. Sosa may file reply papers no later than **October 16, 2020**.
4. If any party wishes to conduct an evidentiary hearing on this matter, that party shall so inform the Court in his or its first written submission pursuant to this Order, and shall also address whether the hearing should proceed in the United States Courthouse or via videoconference. Videoconference hearings are conducted using the Court's



teleconferencing program, Skype for Business, unless the parties propose an alternative videoconferencing platform. Any alternative videoconferencing platform must include an audio line for member of the public and/or the press.

Dated: New York, New York  
September 17, 2020

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

**BARBARA MOSES**  
**United States Magistrate Judge**